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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,413	03/17/2004	Shunji Akashi	114141-017	5562

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EXAMINER

ABRAHAM, TANIA

ART UNIT	PAPER NUMBER
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3636

MAIL DATE	DELIVERY MODE
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07/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/803,413	Applicant(s) AKASHI ET AL.	
	Examiner Tania Abraham	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 5-7,9-11,13,14,20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,8,12 and 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/27/2004; 3/17/2004</u> | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election without traverse of Invention I, Species I in the reply filed on April 5, 2007 is acknowledged.

Claim Objections

2. Claims 17-19 are objected to because of the following: it is unclear as to whether these claims are intended to be independent or dependent. If these claims are independent, they should not refer to another claim. If these claims are dependent, they should follow the normal format, as done with claims 1-16; for example, claim 18 may recite, "A fastener as claimed in claim 4, further comprising a cover for a motor vehicle seat, including an opening for an airbag, said fastener being attached to said cover at said opening to close said opening". For purposes of examination, they are considered dependent claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Terada. Terada shows a zip fastener 10 having a pair of tapes T which are joined by rows of

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coupling elements E mounted on the respective tapes, a point of weakness 12 being provided at a predetermined position along the fastener 10 so that the coupling elements E will separate at the point of weakness when a predetermined force is applied to the fastener, the force being water applied to the point of weakness.

Regarding claim 2, more than one point of weakness 12 is provided along the fastener. For claim 3, a point of weakness 12 is provided between regions of engaged coupling elements of the fastener (fig. 3).

5. Claim 4, 8, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Terada. Terada shows a fastener 10 comprising first and second stringer tapes T, each with a row of coupling elements E mounted thereon, such that when the fastener is closed, said stringer tapes are connected to each other by means of said coupling elements; each row of coupling elements comprising a first area 10a and a second area 10b where the coupling elements on the first and second tapes are engaged when the fastener is closed; and holding means 12 for holding said tapes together at a predetermined position intermediate said first and second areas, the holding means being released when a force greater than a predetermined value is applied to the holding means, to allow or cause the coupling elements within the first and second areas to disengage. For claim 8, said holding means 12 comprises a link that connects the stringer tapes when the fastener is closed. Concerning claim 12, said link 12 comprises a frangible element which is breakable, by applying water, to disengage the link.

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6. Claims 4, 8, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Takamatsu. Takamatsu shows structure as claimed: a fastener comprising first and second stringer tapes 10, each with a row of coupling elements 11 mounted thereon, such that when the fastener is closed, said stringer tapes are connected to each other by means of said coupling elements; each row of coupling elements 11 comprising a first area B and a second area C, shown best in fig. 1, where the coupling elements on the first and second tapes are engaged when the fastener is closed; and holding means 11b-e (in fig. 6B-E) for holding said tapes together at a predetermined position intermediate said first and second areas, the holding means 11b being released when a force greater than a predetermined value is applied to the holding means, to allow or cause the coupling elements within the first and second areas to disengage (col. 4: 3-8); wherein the force greater than a predetermined value is the finger pressure applied to the holding means 11b. For claim 8, said holding means 11b-e comprises a link which connects the stringer tapes when the fastener is closed. For claim 15, the force required to release or displace the holding means is less than 400 N, said force being finger pressure applied to an area of the fastener adjacent to the holding means, in a direction substantially perpendicular to the surface of the stringer tape adjacent to the holding means.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 4, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauer (WO 0035719) in view of Takamatsu. Hauer shows a fastener 30 comprising first and second stringer tapes 38, each with a row of coupling elements 32, 34 mounted thereon, such that when the fastener is closed, said stringer tapes are connected to each other by means of said coupling elements; wherein each row of coupling elements comprises a first area and a second area where the coupling elements on the first and second tapes are engaged when the fastener is closed. Hauer teaches using a slider (not shown) to close the fastener and then removing the slider, leaving the area at the row ends unconnected. Hauer does not show or suggest

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holding means for holding said tapes together at a predetermined position intermediate said first and second areas. Takamatsu shows a fastener comprising first and second stringer tapes 10, each with a row of coupling elements 11 mounted thereon, such that when the fastener is closed, said stringer tapes are connected to each other by means of said coupling elements; each row of coupling elements 11 comprising a first area B and a second area C, shown best in fig. 1, where the coupling elements on the first and second tapes are engaged when the fastener is closed; and holding means 11b-e (in fig. 6B-E) for holding said tapes together at a predetermined position intermediate said first and second areas, the holding means 11b being released when a force greater than a predetermined value is applied to the holding means, to allow or cause the coupling elements within the first and second areas to disengage. Takamatsu teaches having the holding means at an intermediary point for emergency opening of the fastener without using the slider. Takamatsu's fastener also allows for normal use without accidental opening of fastener. It would have been obvious to a person skilled in the art at the time of invention to modify Hauer's fastener with Takamatsu's fastener, as taught by Takamatsu, in order to provide a fastener with an emergency opening that will not accidentally open during normal use, and does not require removal of its' slider. Regarding claim 16, while Hauer does not explicitly disclose the specific force applied by the deploying airbag, it is obvious that the deploying airbag would possess the force required to release the holding means, said force being applied to an area of the fastener adjacent to the holding means, in a direction substantially perpendicular to the plane of the stringer tape adjacent to the holding means. Regarding claim 17, the

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fastener 11b closes an airbag cover. For claim 18, said fastener 11b is attached to said cover at an opening 44 to close said opening. As for claim 19, also included is a seat for a motor vehicle 20, said seat comprising a frame, a cover mounted on said frame, an airbag 22 within said frame, wherein said cover comprises an opening 44 for the airbag to expand through when the airbag inflates, and said cover comprising a fastener 11b, said fastener being attached to said cover at said opening to close said opening in normal use and to open under the impact of the air bag when the airbag is inflated to allow the airbag to pass through the opening.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

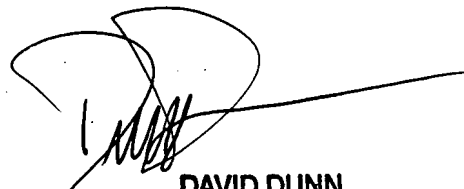
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania Abraham whose telephone number is 571-272-2635. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tania Abraham
7/23/07

A handwritten signature in black ink, appearing to read 'DUNN', with a long horizontal line extending to the right.

DAVID DUNN
SUPERVISORY PATENT EXAMINER